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Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by International Work Group for Indigenous Affairs, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council 1296 (XLIV).

[14 August 1991]

1. By the use of unreasonable force resulting in the destruction of thousands of homes and villages; the relocation of tens of thousands of people; summary executions; other violations of personal human rights; a failure to honour treaty agreements and 16 months of a siege of unreasonable severity, causing death by blockading medical supplies, Papua New Guinea has displayed gross violation of all the economic, social and cultural rights of the people of Bougainville Island.

2. In June 1988 the Panguna Land Owners' Association demanded that Papua New Guinea honour the provision for renegotiation of the Bougainville Copper Mining Agreement, which was supposed to be reviewed every 7 years and which Papua New Guinea had chosen to ignore for 11 years. The concerns of the landowners were the extreme levels of environmental destruction of the flora, fauna and culture of the people and that Bougainville's resources had been extracted for the benefit of Papua New Guinea with little remuneration for the people of Bougainville. Mass migration of mainlanders was also of concern.

3. The failure of the Government of Papua New Guinea to address requests for renegotiation led to demonstrations by the landowners resulting in the closure of the mine. Villages and schools were stafed and closed, and hospital staff were harassed; villagers were herded from many rural areas into "care centres", some plastic tents were set up in the market places to accommodate the displaced whilst others took to the jungle for protection. In 1989/1990 over 6,000 village homes were destroyed by the Papua New Guinea Defence Force resulting in the displacement of 24,000 people from their homes and villages. Recently, since the reinvasion of Buka Island, these numbers have increased dramatically.

4. The human rights violations committed by the Government of Papua New Guinea against the people of Bougainville during the past three years are well documented in official reports by Amnesty International, the ICRC, the Australian International Development Bureau, reliable media interviews, photographic evidence and in documents collated by the then North Solomons Provincial Government.

5. What started out as a localized dispute spread and developed into a self-defensive struggle against these human rights violations.

6. Papua New Guinea withdrew its forces on 1 March 1990, taking all the government people from Bougainville and suspending all services. On 23 April 1990, a complete blockade of the island was declared by the Government. This blockade and the refusal to negotiate left no alternative but to declare independence on 17 May 1990.

7. Subsequent attempts at negotiation have resulted in broken treaties and attempted re-invasion by Papua New Guinea. The siege has had catastrophic results for the people. No humanitarian relief, including medical supplies, has been allowed into Bougainville. Islanders are denied all access to communication. The only activities on the once-prosperous island are gardening and hunting; the industries lie dormant, the towns deserted, the schools and hospitals closed. Some 5,000 people have died as a direct result of a lack of basic medical supplies, 8,000 children have not been immunized and previously benign diseases have become life-threatening.

8. The Solomon Islands, first colonized by Germany in the mid-nineteenth century, were separated from Bougainville, in agreements made in 1900 between Germany and the United Kingdom, "for the settlement of the Samoan and other questions". The Southern Solomons were traded to the United Kingdom.

9. After the First World War, the German territories, collectively termed New Guinea, became a part of the League of Nations mandate and were placed under Australian administration along with the Australian Territory of Papua. People began to object to the territorial separation from the Solomons with which marriage and trading links had existed for thousands of years. During the Second World War they were occupied by the Japanese and the Americans, and once again handed over to Australian administration as a United Nations Trusteeship, still separate from the Solomons.

10. The Australian colonial administration of the Territory of Papua and New Guinea was responsible for the opening of the Panguna mine in 1964, in

conjunction with Rio Tinto Zinc, not only to benefit the shareholders, but to be used by Australia to fund the entire territories of Papua New Guinea. The landowners objected to the proposed mine and were dealt with harshly by the Australian administration, including armed threats.

11. In 1975, when Papua New Guinea was to be declared independent, Bougainvillians were denied access to a plebiscite by Australia and Papua New Guinea. This was a clear denial of the right to self-determination according to the freely expressed will of the people concerned (General Assembly resolution 1541 (XV)).

12. One cannot understand the willingness of the people of Papua New Guinea to prosecute with violence a claim on a territory over which they know, as tribal people, they are not entitled to.

13. Bougainville is only 6 kilometres by canoe to the Solomon Islands, which is over 1,000 kilometres from Papua New Guinea. It is ludicrous to remain a separate territory from the Solomons, with whom it shares culture, ethnicity, tradition and geography whilst Papua New Guinea shares none of these prescriptions for the self-identification of people.

14. In August, 1990 the Endeavour accord peace treaty was concluded. One week later Papua New Guinea re-invaded Buka Island in the North and recommenced its programme of human rights violations with public torture and summary executions. More villages were destroyed and new "care centres" established on Buka, in blatant violation of all the intentions and prescriptions of the Endeavour Accord and in clear breach of the Geneva Conventions (article 13 of the Third Geneva Convention of 1949) to which Papua New Guinea became a party in 1976.

15. For humanitarian reasons, the Soloman Islands Government initiated further talks between the two sides resulting in a fresh agreement signed on 23 January 1991. Under the terms of the Honiara Agreement, both sides agreed to "accept external assistance" in the form of a peacekeeping force. Again the treaty was violated by further military incursion onto Bougainville. Papua New Guinea's lack of integrity in failing to honour treaties and agreements has been a major contribution to the resultant bloodshed and points to the need for international monitoring of treaties between States and peoples.

16. In summary:

1. Bougainville is geographically a separate land from Papua New Guinea.

2. Bougainville's people differ from those of Papua New Guinea ethnically, culturally and consciously.

3. It is economically viable as a State and capable of trade relations with other countries.

4. It possesses a Government representative of the people which maintains sovereignty over the territory.

5. The people have maintained a desire for autonomy, as expressed in the 1 September 1975 declaration of independence, since 1918.

6. It has a common heritage with the Solomon Island people through eons of trade and culture which it does not share with the people of Papua New Guinea.

7. The population of 160,000 people represents a numerical sufficiency for independence.

8. The economic exploitation of Bougainville constituted a denial of self-determination and the right to sovereignty over natural resources as contained in article 1 (2) of the International Covenants, various General Assembly resolutions and article 22 of the Universal Declaration of Human Rights.

9. Discrimination against Bougainvillians violates many group rights including the International Convention on the Elimination of All Forms of Racial Discrimination.

17. The only meaningful way to secure human rights for the people of Bougainville is to recognize their right to self-determination, which is unassailable. The exercise of that right would guarantee the economic, social and political rights of the people in the future. Such recognition does not constitute a breach of Papua New Guinea's territorial integrity in contravention of international law for two main reasons:

(a) Bougainville, historically, was not a part of Papua New Guinea; and

(b) According to the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)), States have the right to maintain territorial integrity only when they are "possessed of a Government representing the wole of people belonging to the territory without distinction to race, colour or creed".

18. We submit to this Sub-Commission that it adopt a recommendation requesting the United Nations Secretary-General to use his good offices to facilitate dialogue between the State of Papua New Guinea and the people of Bougainville. We further request that the United Nations initiate humanitarian assistance by participating as observers in:

1. Future negotiations to insure implementation of the prescriptions for restoration of facilities and services for the people.

2. The establishment of the prescribed multinational peace-keeping force to encourage an environment suitable to the reactivation of all economic, social and cultural rights.

3. Any democratic elections or plebiscites as may be necessary to insure the future democratic freedom of the people of Bougainville.

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